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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Maxie A. DUREL-CRAIN DATE: January 21, 2003
SERIAL NO.: 09/975,747 GROUP ART UNIT: 3761
FILED: 10/11/2001 EXAMINER: Ruhl, Dennis William
FOR: "Tampon String Accessory Apparatus"
ATTORNEY DOCKET NO.: P01269US (98151.1P2)

RECEIVED

JAN 29 2003

TECHNOLOGY CENTER R3700

**RULE 116 RESPONSE,
NOTICE OF APPEAL,
AND
INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed 21 October 2002. A response is due by 21 January 2003.

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection of claims 20 and 22 in the Office Action mailed 21 October 2002. The \$160 fee is attached.

INFORMATION DISCLOSURE STATEMENT

Attached is a Form PTO/SB/08A listing U.S. Patent No. 6,017,321.

Claims 20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeo.

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Applicant respectfully traverses this rejection.

Applicant notes that the Examiner has suggested why one of ordinary skill in the art might have found it obvious to extend the length of the string of Yeo. However, this is mere conjecture on the part of the Examiner and there is nothing in the prior art of record to suggest such a modification. It is respectfully submitted that merely because one can, in hindsight, suggest a reason why someone might have wished to modify an earlier reference does not mean that it would have been obvious at the time the invention was made to make the invention as claimed. Applicant notes with appreciation that claims 8-12, 23, and 26 are allowed.

Attached is U.S. Patent No. 6,017,321, which was called to the attention of the undersigned by the Patent Examiner on September 10, 2002. It is believed that the Examiner chose not to make the patent of record nor to use it in a rejection as it does not anticipate or render obvious any claims in the present application. Specifically, as relates to claims 8-12, U.S. Patent No. 6,017,321 does not disclose an extension string. Regarding claim 23, this patent does not disclose the tampon string having a width of 1/4 inch to 3/4 inch. Regarding claim 26, this patent does not disclose a tampon string having a width of 1/8 inch to 1/2 inch.

Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

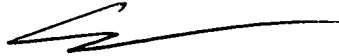
Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any additional required fees or credit any overpayment to Deposit Account No.

50-0694.

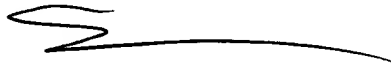
Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 21st day of January, 2003.



Seth M. Nehrbass
Reg. No. 31,281



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1-30-03

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	09/975,747
		Filing Date	10/11/2001
		First Named Inventor	Maxie A. DUREL-CRAIN
		Art Unit	3761
		Examiner Name	Ruhl, Dennis William
Sheet 1 of		Attorney Docket Number	P01269US (98151.1P2)

U.S. PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

² Applicant's unique citation designation number (optional). ³ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.

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